

Focus

Snake River Water Right Moratorium Ends, But....

July 1, 1999 marks the end of the moratorium for issuing water rights from the Snake River. However, the Department of Ecology (Ecology) will not be making water right decisions on applications for water from the Snake until we receive further information on the status of fish populations and fish flow needs -- and until key decisions are made regarding federal and interstate water management.

Ecology Will Hold Applications for Various Reasons

The National Marine Fisheries Service's (NMFS) biological opinion is now scheduled for completion in 2000. We anticipate this document will contain important data about salmon habitat, including information related to flow requirements for fish survival. Adequate stream flow for salmon migration may be one of the key issues associated with the salmon's decline, although what these flows specifically should be is a subject of continuing debate.

It also continues to be unclear whether there is sufficient water available in the Snake River for new diversions without causing harm to fish or to existing water rights. If there is not, allowing new uses of water from the Snake River may further harm fish migration, as well as existing uses, such as hydropower and agriculture. Ecology must protect existing rights and also has responsibility to ensure there are adequate flows in the river for fish; we are hopeful the new biological opinion will assist us in resolving these issues.

The U.S. Army Corps of Engineers also is expected to complete its review of dams on the Snake River and their impacts on fish survival in 2000. A number of options are being evaluated through this review, including breaching the dams. In addition, NMFS and other Northwest states are looking at other strategies for salmon restoration -- for example, focusing more on water temperature than on increasing the flows in the river.

For the present, flow augmentation in the Snake River is a continuing process. As long as this expensive effort to supplement flows continues, consideration of allowing more diversions from the river would be counterproductive. The purpose of augmenting the flow is to add enough water to increase the velocity of the river, so it is illogical to simultaneously allow more water to be removed. The cumulative effect of removing additional water would be to require the federal hydrosystem operators to obtain even larger amounts of water from upstream sources -- which is both expensive and politically sensitive, especially if Ecology were to allow this water to be diverted for out-of-stream uses.

Once the important documents mentioned above are completed, and the responsible federal agencies have made their decisions regarding fish recovery and water management, Ecology will evaluate those decisions and reach its own conclusions regarding further appropriations from the Snake River. Of course, we will be doing this in close concert with the Governor's Office, other state agencies and our sister agencies in the other Northwest states, as well with NMFS and other appropriate federal agencies.

Background

In December 1991, NMFS listed Snake River sockeye salmon as endangered under the Endangered Species Act (ESA). This was the first in a succession of fifteen federal fish listings that have, seven and a half years later; encompassed virtually the entire state and focused the attention and resources of all levels of government on salmon restoration.

Anticipating the initial listing, the Governors of the four Northwest states directed the Northwest Power Planning Council (the members being appointed by the Governors) to amend its Fish and Wildlife Program to respond to the escalating salmon crisis. The Council subsequently identified insufficient flows during migration as one factor in the salmon's decline, and recommended that the states curtail issuing water rights in the Columbia Basin (which includes the Snake River).

Ecology is the agency responsible for approving diversions of water from rivers and streams in Washington state, as well as for setting and protecting instream flows for these waters. In March 1992, Ecology adopted an emergency rule withdrawing the waters of the main stem Snake River from further appropriation, thus stopping all water right decision making on the Snake. (Since the initial moratorium, NMFS listed the Snake River spring-summer and fall chinook salmon runs, as well as steelhead, as threatened under the Endangered Species Act.)

Since March 1992, Ecology has re-adopted the moratorium rule twice, in late 1992 and again in 1994. In the 1994 rule, the moratorium was scheduled to expire on July 1, 1999 or when Ecology established an instream resources management program for the river, whichever occurred first.

Fish Flows and Instream Flows

The subject of the specific amount of flow required for migrating salmon and steelhead is a fundamental issue in restoring the fish stocks--and a very controversial one. Various studies have been undertaken over the past several years to attempt to resolve the issue. When Ecology adopted the moratorium, we anticipated these studies would result in a science-based consensus on the necessary flows. We intended to use that information in establishing instream flows for the Snake River. Unfortunately, this consensus still has not occurred and fundamental decisions on water management in the river have not yet been made.

The 1994-1998 Biological Opinion adopted by NMFS for governing operation of the hydroelectric system on the Snake and Columbia rivers included flow targets--that is, quantities of water believed necessary to be in the river at certain times to facilitate salmon migration. Agricultural water users and others have criticized the targets as unrealistic, at least during some periods of the year. The target flows have seldom been met, despite costly efforts taken by the Northwest states and the agencies operating the hydroelectric system to augment them, using water that would otherwise produce electricity and by buying additional water from water users.

Current Situation and Next Steps

Since 1992, about twenty individuals, businesses, and municipalities have applied for water right permits requesting water the Snake River. Unfortunately, managing water in the Snake River involves balancing a variety of interests entangled in a very complicated web of issues --power generating dams, fish restoration and resource management, agriculture and economic development, as well as the life quality of municipalities and individuals along the river in three states and Canada.

We believe most people in our state are aware of the plight of fish survival in our state. The reasons we must continue holding applications for Snake River water are related to the broader, statewide, problem—how and where we use water. The availability of water in some parts of Washington state is a serious problem; the competition for water has escalated as our state's population has increased--and at the same time that grave declines in salmon and other fish populations have resulted in growing demands that water be left in stream for the fish.

For More Information

For more information regarding processing water rights from the Snake River, please contact George Schlender, Department of Ecology, N. 4601 Monroe St., Suite 202, Spokane, WA 99205-1295, (509) 456-5057, fax (509) 456-6175, e-mail gesc461@ecy.wa.gov.

If you have special accommodation needs, please contact Paula Smith at (360) 407-6607 or (360) 407-6006 TDD.

